

Approved: March 4, 2015
Distributed: March 19, 2015

IPSWICH CONSERVATION COMMISSION
Meeting Minutes
February 4, 2015

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, February 4, 2015, at 7:06 p.m. in Room A of the Ipswich Town Hall. Members present were Acting Chairman Sissy Ffolliott, Acting Vice-Chair David Standley, Commissioners Brian O'Neill, Catherine Carney-Feldman, William McDavitt and Associate Commissioner Raymond Putnam. Absent with prior notice were Jennifer Hughes and Michele Hunton. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland
COC – Certificate of Compliance
CR – Conservation Restriction
DEP - Department of Environmental Protection
EO – Enforcement Order
ICC – Ipswich Conservation Commission
NOI – Notice of Intent
NDZ – No-Disturbance Zone
O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions
OOC – Order of Conditions
ORAD – Order of Resource Area Delineation
RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)
 Negative #2 Determination– This is an approval for work in in resource areas
 Negative #3 Determination– This is an approval for work in in buffer zones
 Negative #5 Determination – This is approval for work that meets the requirements of an exception under the WPA
 Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw
 Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue
WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

Citizen's Queries:

None

Ongoing Matters for THIS Sessions:

MATTER: 36-1235: TASSAR, LLC (*Paws With Inn*) for work at **189 High Street** shown on Tax Map 30A, Lot 020 for a **NOTICE OF INTENT** to construct a 70' x 128' dog barn with 70' x 40' roofed/open extension,

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associated grading and drainage in jurisdictional areas.
DISCUSSION: Present was Larry Graham from H. L. Graham Associates. They received a letter from Cammett Engineering, Inc. regarding recalculation of stormwater infiltration for D soils. The only change was a slightly larger pipe diameter. Commissioner McDavitt inquired if the pipe from the "pond" in the wetlands was level or sloped one way or the other. Mr. Graham stated it was. Agent Geilen stated that she had updated the OOC to include special conditions discussed at the previous hearing: NDZ monumentation and annual mowing of NDZ.
RECOMMENDATION OF AGENT: <i>To close the public hearing and issue a Positive OOC with amended Special Conditions.</i>
MOTION: <p>♦ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner McDavitt and passed unanimously.</p> <p>♦ A motion was made by Acting Vice-Chair Standley to issue a Positive OOC with updated plans and approval of stormwater management according to Cammett. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>Letter dated 1/29/15 from Cammett Engineering, Inc. Re: Third Review</i>

MATTER: Nathan Stein for work at 144 County Road shown on Tax Map 54C, Lot 8 for a REQUEST FOR DETERMINATION OF APPLICABILITY to remove existing garage and build new one in jurisdictional areas.
DISCUSSION: Present was Nathan Stein, homeowner. A site visit was held Sunday February 1, 2015 to discuss why the garage was proposed inside the Buffer Zone. Mr. Stein thanked the Commission members who attended the site visit. He presented a photograph showing the proposed area of the garage, which showed an area of trees that the homeowner wished to keep intact. Acting Chairman ffolliott stated after seeing the property she did not see any problem with the proposed plan.
RECOMMENDATION OF AGENT: <i>To issue a Negative Determination #3 and #6.</i>
MOTION: <p>♦ A motion was made by Acting Vice-Chair Standley to issues a Negative Determination #3 and #6. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>Marked-up Plan (originally prepared by Thomas Mannetta entitled: "Site Plan" dated 4/21/14) now entitled "Proposed Site Plan" dated 12/20/14, prepared by Nathan W. Stein and photo (garage-tree.jpg)</i>

New Public Hearings/Notice of Intent:

MATTER: 36-____ : Ralph Williams, Trustee of The Williams Family Realty Trust for work at 9 Nags Head Road shown on Tax Map 12 & Lot 7A for a NOTICE OF INTENT to construct an indoor riding arena in jurisdictional areas.
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DISCUSSION: Present was Isaac Rowe of Mill River Consulting and Ralph and Samantha Williams, homeowners. Mr. Rowe showed a plan of the existing dwelling and horse barn and where the proposed riding area would be located. There will also be an addition onto the horse barn, but this is outside of the Commission's jurisdiction. They have submitted the plan to the Planning Board also which is currently being reviewed. The Planning Board will be reviewing the stormwater on the proposal, including the requirements of the Wetland Protection Act. Acting Vice-Chair Standley was concerned whether or not the A Series wetlands were connected to the B series, or if it was isolated, and therefore non-jurisdictional. If they were not connected this would put all proposed work outside of ICC jurisdiction. Mr. Williams explained that there is a culvert connecting the two wetlands. Commissioner Carney-Feldman asked how many trees would be removed and what types. Mr. Rowe stated that they were not planning to take any down within the Commission's jurisdiction. Commissioner McDavitt asked how much rain the rain garden could manage. Mr. Rowe stated he thought it was for a 50 year storm. Acting Vice-Chair Standley stated they needed to use Cornell data. He also explained that the Commission and the Planning Board share stormwater jurisdiction, however the Commission uses the Planning Board's peer reviewer. Agent Geilen stated that they still need a DEP file # and that they will need to see the Cammett Peer Review.

RECOMMENDATION OF AGENT:

To continue to February 18, 2015 pending receipt of DEP comments/file# and determination of wetland line.

MOTION:

♦ A motion was made by Commissioner Carney-Feldman to continue to February 18, 2015. The motion was seconded by Commissioner McDavitt and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Packet prepared by Mill River Consulting dated 1/21/15 including: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled: "Notice of Intent Site Plan for 9 Nags Head Road, Ipswich, MA, Map 12, Lot 7A" dated 1/20/15 and prepared by Mill River Consulting, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service

Enforcement Actions:

MATTER: Enforcement Update: 117 County Road, Greek Orthodox Community Center, for unauthorized cutting in Riverfront.

DISCUSSION: There was no one present for this matter. The site visit scheduled for February 1, 2015 was postponed due to heavy snow cover. The Commission agreed to continue the matter to March 18, 2015.

RECOMMENDATION OF AGENT:

To continue to March 18, 2015 due to heavy snow cover with a site visit on March 15, 2015.

MOTION:

♦ N/A

ACTION ITEMS / SPECIAL INSTRUCTIONS:

None

DOCUMENT LIST:

None

Other Business:

MATTER: 36-81: Enforcement Order Update: Site Management Plan: Miles River Sand and Gravel; **64 Paradise Road,** to discuss Monumentation of the No-Disturbance Zone.

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<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated that Mike DeRosa of DeRosa Environmental had sent an apology for missing the last meeting. He requested a continuance to 2/18/15, as he had not heard from the owner. Commissioner McDavitt asked about the number of times the matter had been continued. Agent Geilen explained that this was the second continuance. Acting Vice-Chair Standley explained that the original OOC called for a triennial review and the Commission at the time this started made it a permanent condition so that the activities would be monitored. Commissioner McDavitt questioned if they are trying to close out the OOC. Acting Vice-Chair Standley stated that they were not; that this was just in response to an EO. Agent Geilen recommended not extending the OOC anymore, but to start over with a new NOI. Acting Vice-Chair Standley stated that under the Bylaws, the Commissions can also amend OOCs at any time. There was a new fill area that needed to be addressed and other problems at the boat yard area which is under an extended lease. Commissioner McDavitt asked since there are perpetual conditions should they keep it open. Acting Vice-Chair Standley suggested a modification of that approach and felt there was justification for reopening the matter and deal with current situation. He stated they could also amend the OOC to add more Special Conditions.</p>
<p>RECOMMENDATION OF AGENT: <i>To continue to February 18, 2015.</i></p>
<p>MOTION: ♦ A motion was made by Acting Vice-Chair Standley to continue to February 18, 2015. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>Continuation request</i></p>

<p>MATTER: Dog Management at Town Conservation Properties</p>
<p>DISCUSSION: Karl Kastorf was present to voice his concern with the status of the dog waste stations and trash pick-up program and the Commissions' position regarding dogs on lands under its care, custody and control. Mr. Kastorf spoke of the situation of owners not picking up after their dogs and the need for public education as to why it is an environmental issue. Acting Vice-Chair Standley spoke of the attempt to initiate such a process and that a sub-committee had been formed and that there had not been much movement on it so far. He felt they should be doing something about it. Mr. Kastorf stated that the conservation lands are largely functioning as neighborhood dog parks. He also stated that some people pick up pet waste but leave the bag on the ground, even though there is a container for disposal. Agent Geilen recommended a continuation of discussion to March 4, 2015 when Chairman Hughes would be present.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 18, 2015</i></p>
<p>MOTION: ♦ N/A</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>None</i></p>

Requests for Certificates of Compliance:

This matter was taken out of order:

<p>MATTER: 36-1121: 20 Lakemans Lane; Richard Stern.</p>
<p>DISCUSSION: Present was Greg Hochmuth, R.S. of Hancock Associates. In 2010 he was hired by Richard Stern, owner, to obtain approval of a Presby septic system. The OOC for the septic system included restoration of a</p>

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<p>portion of wetland that was maintained as lawn. Mr. Hochmuth showed restoration plans and read from minutes, which recommended moving the planting strip closer to the pond, and NDZ markers to be placed 50 feet from the ponds edge. However, the OOC described a different location for the NDZ. Agent Geilen stated that if OOC was followed, the NDZ would go through the pond. Acting Vice-Chair Standley stated that despite what the OOC said the proposed plan was very logical. Mr. Hochmuth stated that the mitigation plantings had been successful through two growing seasons (monitored), and the posts and signs are in place as discussed at the OOC approval hearing. Acting Vice-Chair Standley suggested resolving the issue by issuing a COC with current conditions. Agent Geilen stated that under the ongoing conditions she can reference Condition #55 (monumentation of the NDZ) with a note stating the NBZ be maintained as per as-built plan.</p>
<p>RECOMMENDATION OF AGENT: <i>To issue a new COC.</i></p>
<p>MOTION: ♦ A motion was made by Commissioner McDavitt to issue a new COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ none</p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled: "Site Conditions Designed for Richard Stern" dated 12/15/15, prepared by The Morin-Cameron Group and photos (IMG_0648.jpg, IMG_0649.jpg and IMG_0650.jpg)</i></p>

<p>MATTER: 36-1190: 124 Northridge Road, Ipswich Bay Yacht Club</p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen stated that this was a new COC request for the underground storage tank (UST) and fuel line. Field Inspector Decie could not do a site visit due to snow cover. Commissioner McDavitt asked about the gas line being worked on. Agent Geilen stated that it was done under a separate OOC.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to March 18, 2015</i></p>
<p>MOTION: ♦ A motion was made by Acting Vice-Chair Standley to continue to March 18, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None</p>
<p>DOCUMENT LIST: <i>COC request, As-built plan entitled: "As-Built Documentation" dated (4/6/11 with revised date of 1/22/15 for C1) and (12/12/12 with revised date of 1/22/15 for C2) prepared by Wilcox and Barton and letter of substantial compliance dated 1/26/15 and prepared by Wilcox and Barton</i></p>

<p>MATTER: 36-419: 4 Nuthatch Rd for Mike Wallis (review of revised as-built)</p>
<p>DISCUSSION: No one was present for this matter. There was a request for continuance. Agent Geilen Atty. Chip Nylen had the flu and thought it was reasonable to continue to February 18, 2015.</p>
<p>RECOMMENDATION OF AGENT: <i>Continue to 2/18/15</i></p>
<p>MOTION:</p>

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♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>Request for continuation</i>

MATTER: 36-484: 4 Nuthatch Rd for Mike Wallis (review of revised as-built)
DISCUSSION: Same as Above.
RECOMMENDATION OF AGENT: <i>Continue to February 18, 2015</i>
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>Request for continuation</i>

MATTER: 36-534: 120 Pineswamp Road, Beland.
DISCUSSION: No one was present for this matter. Agent Geilen stated that this was a COC requested and paid for in 2005, but was never placed on the agenda, based on a review of minutes for 6 months after submittal. The Request for a COC was found in a box of papers left by the former agent. This was for a septic system that was installed in accordance to the OOC, per the as-built and engineer's letter. She stated that this included an uncashed check dated 4/25/04. Acting Vice-Chair Standley recommended they could state this as a failure-to-act after a certain time period and felt they should issue the COC and give the check back to Larry Graham.
RECOMMENDATION OF AGENT: <i>To issue a Full and Final COC and return check to Larry Graham.</i>
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to issue the COC. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>COC request, As-built plan entitled: "Plan to accompany a Certificate of Compliance filing prepared for Leo and Patricia Beland" dated 4/25/06 prepared by H.L. Graham Associates, Inc. and letter of substantial compliance (stated on p.2 of WPA Form 8A) dated 4/25/06 and prepared by H.L. Graham Associates, Inc.</i>

MATTER: 36-857: County Road ROW; Ipswich Utilities Dept.
DISCUSSION: No one was present for this matter. Agent Geilen explained that a COC was requested and paid for in 2005, but was never placed on the agenda, based on a review of minutes for 6 months after submittal. The Request for a COC was found in a box of papers left by the former agent. This was for the Country Road water main replacement in 2004. The OOC was recorded. The as-built shows it was constructed as per the OOC. She

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recommend approving the COC.
RECOMMENDATION OF AGENT: <i>To issue a Full and Final COC</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Acting Vice-Chair Standley to issue a Full and Final COC. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request, As-built plan entitled: "Ipswich Water Department Bull Brook Reservoir Beaver Dam" dated 9/6/05 and letter of substantial compliance dated 8/29/05 and prepared by Metcalf and Eddy</i>

Discussion Items:

Backlog Work: Update and Action Items:

DEP#	Address/Project	Vote/Action
#36-840	8 Nags Head. A COC request from 2005 was found which included an uncashed check. The project was for restoration work approved on 10/8/03. Property changed hands in 2010. Given date of request, Agent Geilen suggested the number be filed and voided. Commissioner McDavitt questioned the EO. Agent Geilen stated that it had been lifted, according to the minutes she reviewed.	♦ A motion was made by Commissioner O'Neill to void #36-840. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
#36-204	199 Argilla for OOC, now known as 259 Argilla. A COC request was found from 1988. The project was for installation of replacement waste disposal system. The "as built" for the system shows the project was built in accordance with the OOC. The property sold in 2010. Given date of request, Agent Geilen suggested the number be filed and voided.	♦ A motion was made by Commissioner O'Neill to void #36-204. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
#36-0590 #36-0591 #36-0592 #36-0593	13 Jeffreys Neck Road. Subdivision of a single family house lot into four lots at 13 Jeffreys Neck (now 9 – 15 Jeffreys Neck Road). All four OOCs have been recorded. All four OOCs have COCs, but none have been recorded. The properties have all changed hands greater than 3 years ago. Acting Vice-Chair Standley suggested they should archive without further action.	♦ A motion was made by Acting Vice-Chair Standley to Archive Without Further Action. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
#36-1043	6 North Ridge Road. OOC was not recorded. COC was requested and signed but not issued. The Commission cannot issue a COC until OOC is recorded. As it is the same owner, Agent Geilen suggested that the OOC be re-signed for recording purposes, and then the COC can be issued.	The Commission agreed to reissue the OOC.

Interim Reports of Special Project Subcommittees:

None

Review of 2014 Annual Conservation Commission Report:

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Agent Geilen spoke about the Commission's comments regarding the Conservation Commission's section of Annual Report. Commissioner Standley liked the expanded categories now being tracked in the report, and asked that information on land management and highlights of particularly notable permitting and enforcement actions also be added to the report. Agent Geilen agreed. Commissioner Carney-Feldman requested that a statement be added to explain the spike in COCs issued. Agent Geilen explained this was due to herself and Field Inspector Decie pursuing closeout of OOCs. Acting Chairman ffolliott suggested instead of using the term "residents" they could use the term "volunteers".

Government Study Committee Comments on Updated Town Handbook:

Acting Vice-Chair Standley stated that this Handbook represents a lot of work by the Government Study Committee, with significant updating including the Open Meeting Law, Conflict of Interest, how to run meetings, etc. The Government Study Committee is interested in responses to their work. He encouraged the Commission and staff to read it and make comments by February 13, 2015 before the Government Study Committees next meeting.

Approval of Minutes: 1/21/15

♦ A motion was made by Commissioner Carney-Feldman to approve the minutes from January 21, 2015. The motion was seconded by Commissioner Standley and passed unanimously.

Backlog Processing Categories for Order of Conditions

Agent Geilen devised categories for the processing of backlog Order of Conditions as follows:

Category #	Rule	Action
Category 1	No DEP File Number and not pursued by applicant for > 2 years	Archived Without Further Action
Category 2	OOC not issued due to failure of applicant for > 2 years to submit required information to ICC or other government agency	Archived Without Further Action
Category 3	OOC not recorded (including those that might not have been issued), AND owner of property has changed > 3 years ago AND work completed (<i>whether or not permit has expired</i>)	Vote to Void, Letter to current owner, DEP and file
Category 4	OOC not recorded (including those that might not have been issued), AND owner of property has changed > 3 years ago AND work not completed AND has expired	Archived Without Further Action, Letter to current owner, DEP and file
Category 5	OOC not recorded (including those that might not have been issued), AND owner of property has changed > 3 years ago AND work not completed AND permit NOT expired	Letter to current homeowner to contact Conservation Office within 21 days or OOC will be voided at next hearing. <i>Note: Give them the option to do the project. If they do, they have to record it.</i>
Category 6	OOC not recorded (including those that might not have been issued) AND same homeowner OR new owner < 3 years	Letter to current homeowner to contact Conservation Office within 21 days or EO will be issued. Must file for COC.
Category 7	OOC recorded AND no COC or COC not	Letter to current homeowner to ask them to apply for/record the COC to prevent problems

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	recorded.	at future closings. <i>Note: This includes when property owners have changed more than one time.</i>
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Acting Vice-Chair Standley stated that he thought these were fine and that Agent Geilen did a good job.

Document Signage: (No Vote Required)

None

Adjournment:

♦ A motion was made by Commissioner Carney-Feldman to adjourn at 8:44 p.m. The motion was seconded by Commissioner McDavitt and passed unanimously.

Respectfully submitted,



Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes, nor does it exclusively rely upon them.